



County of Fairfax, Virginia

July 11, 2006

STAFF REPORT

APPLICATION PCA 2003-SU-040

SULLY DISTRICT

APPLICANT: WMH, LLC.

PRESENT ZONING: C-6, WS, AN

PARCEL(S): 44-3 ((6)) 21A2

ACREAGE: 3.0 acres

FAR/DENSITY: 0.17

OPEN SPACE: 32%

PLAN MAP: Mixed Use

PROPOSAL: Amend RZ 2003-SU-040 previously approved for commercial development to permit a modification to approved proffers to expand permitted uses.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2003-SU-040 subject to the execution of proffers consistent with those found in Appendix 1 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\jpapp0\PCA\PCA 2003-SU-044, WMH, LLC. (Westfields)\Final Materials\PCA 2003-SU-040, WMH, LLC. (Westfields) - REPORT.doc

Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

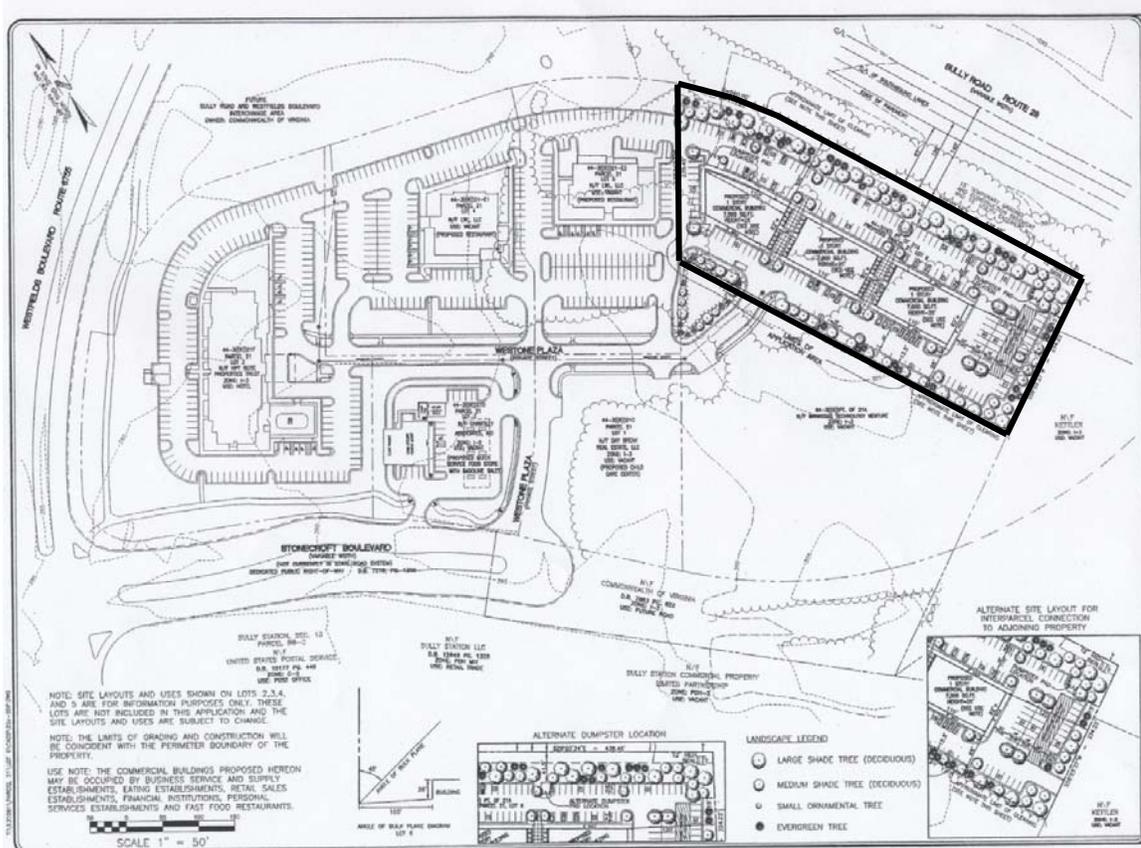
DESCRIPTION OF THE APPLICATION

Proposal:	<p>The applicant is proposing to amend RZ 2003-SU-040 previously approved for commercial development to expand the permitted uses on the site. There are no physical changes proposed to the existing site, and no new Generalized Development Plan (GDP) has been filed with this application.</p> <p>The draft proffers, and the applicant's affidavit, Statement of Justification, and existing approved proffers are contained in Appendices 1-4, respectively.</p>
Location:	Southwest quadrant of the intersection of Westfields Boulevard and Sully Road (Rt. 28)
Acreage:	3.0 acres
Gross Floor Area:	21,500 square feet
FAR:	0.17
Open Space:	32%
Requested Waivers & Modifications:	No waivers or modifications requested with this application.

LOCATION AND CHARACTER

Site Description:

The subject property is located in the southwest quadrant of the intersection of Sully Road (Rt. 28) and Westfields Boulevard, and consists of the northeastern portion of the former Parcel 21, which has since been subdivided into six lots. Parcel 21 A is a six acre lot, with only the northern three acres of the lot subject to this application.



The site is currently developed with two operating restaurants on Lots 4 and 5 as shown on the Generalized Development Plan (GDP). Lot 6 contains three single story 7,000 – 7,500 sq/ft buildings which are ready to be occupied. The buildings are surrounded by parking and landscaping as generally shown on the GDP.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Sully Road (Route 28)	-----	-----
South	Vacant (Westfields)	I-3, WS, AN	Mixed Use, option for neighborhood serving retail
East	Vacant (Westfields)	I-3, WS, AN	Mixed Use
West	Restaurants	I-3, WS, AN	Mixed Use, option for neighborhood serving retail

BACKGROUND**Site History:**RZ 78-S-063

On November 25, 1985, the Board of Supervisors (BOS) approved, in part, as proffered, application RZ 78-S-063, which rezoned approximately 1,027 acres of land from the R-C, I-3, I-4 and WS Districts to the I-3, I-4, I-5 and WS Districts, while retaining 21 acres in the R-C District. This application created "Westfields, The International Corporate Center at Dulles" (hereinafter referred to as Westfields), which is composed of a mixture of office and commercial enterprises.

SE 88-S-031

On February 13, 1989, the BOS approved SE 88-S-031 for use as a hotel (Hilton Suites) with an increase in building height on a six acre site that includes the subject property. Requests for additional time were approved by the BOS on August 5, 1991 (18 months), March 23, 1992 (18 months) and August 2, 1993 (40 months). This application expired December 13, 1996 due to the applicant's failure to pursue.

RZ 2003-SU-040

On March 10, 2003, the BOS approved RZ 2003-SU-040 (concurrent with PCA 78-S-063-4 and SE 2003-SU-025). The RZ deleted 3.0 acres from the Westfields development to rezone it from I-3, WS and AN to C-6, WS and AN to permit retail and fast food restaurant development. The concurrent SE applications permitted the development of up to six fast food restaurant uses with no drive-throughs.

The complete sets of files for all of the previous applications on the subject site are available in the files of the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ).

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area:	III
Planning Sector:	Dulles Suburban Center; Land Unit J
Plan Map:	Mixed Use

Plan Text:

In the Fairfax County Comprehensive Plan, 2003 Edition as amended through February 10, 2003, Area III, Dulles Suburban Center, Land Unit J, in the Land Use recommendations section, on page 120, the Plan states:

- “4. Adjacent to Sully Station Shopping Center, are Parcels 44-3 ((6)) 21 and 21A. A hotel is already planned and approved for Parcel 21A. Parcel 21 is planned for a campus-style office and industrial park. As an option, Parcel 21 may be developed in neighborhood-serving retail and service uses, under the following conditions:
- The parcel is planned and designed comprehensively to function as an integrated development that is compatible with both the hotel and Sully Station Shopping Center;
 - The development has pedestrian access to the hotel; and
 - Access is from Stonecroft Boulevard.”

ANALYSIS

As there are not physical changes proposed with this application, no new GDP has been filed.

Proposed Use

The applicant is proposing to amend the approved proffers that strictly limit the C-6 uses on the site. The applicant has stated that this amendment is being done based on current real estate leasing trends that are proving to make it difficult to occupy the retail space with the use restrictions currently constraining the site. It is the applicant’s intent to lease all or a part of these buildings to provide community services such as a learning center and a garment cleaning service which are prohibited by the current proffers. There are no physical changes proposed to the site.

Permitted Uses	
Existing	Proposed
Business services and supply establishments	Business services and supply establishments
Eating establishments	Community clubs, centers & meeting halls
Retail sales establishments	Cultural centers, museums
Financial institutions	Eating establishments
Personal service establishments	Fast food restaurants without drive-through windows
Fast food restaurants without drive-through windows	Financial institutions
	Garment cleaning establishments
	Health club
	Kennels*
	Miniature golf, indoor
	Mobile & Land based telecommunication facilities**

Permitted Uses	
Existing	Proposed
Fast food restaurants without drive-through windows (Cont.)	New vehicle storage*
	Offices*
	Parking, commercial off-street
	Personal service establishments
	Private clubs and public benefit associations
	Private schools of general and special education
	public uses
	Quasi-public athletic fields & related facilities*
	Quick-service food stores*
	Repair service establishments
	Retail sales establishments
	Telecommunication facilities
	Theatres

* limited by the provisions of Sect. 4-605

** subject to the provisions of Sect. 5-514

Transportation Analysis (See Appendix 5)

There are no transportation issues associated with this request.

Storm Water Management Analysis

As no physical improvements or changes in impervious surface are proposed with this application, there are no stormwater management issues associated with this request.

Land Use Analysis

There are no land use issues associated with this request; proposed uses are in conformance with the Comprehensive Plan

Environmental Analysis

There are no environmental issues associated with this request.

ZONING ORDINANCE PROVISIONS (See Appendix 6)

There are no physical changes to the site; all existing buildings are built in accordance with the applicable C-6 zoning.

Bulk Standards (C-6 Zoning)		
Standard	Required	Proposed
Parking Spaces	93 spaces *	176 spaces *
Loading Spaces	2 spaces	2 spaces
Transitional Screening & Barrier: None Required		

* final parking requirements will be determined prior to issuance of a Non-RUP for each use.

Waiver/Modification:

No waivers or modifications are requested with this application.

Other Zoning Ordinance Requirements:

Overlay District Requirements

Airport Noise Impact (ANIOD) (Sect. 7-400)
 Water Supply Protection (WSPOD) (Sect. 7-800)

All applicable standards have been satisfied with the existing RZ 2003-SU-040.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proffers contained in Appendix 1.

Staff Recommendations

Staff recommends approval of PCA 2003-SU-040 subject to the execution of proffers consistent with those set forth in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved Development Plan and Proffers for RZ 2003-SU-040
5. Transportation Analysis
6. Glossary of Terms

PROFFERED CONDITIONS

**WMH, LLC
PCA 2003-SU-040-1**

July 12, 2006

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 44-3-((6))-21A2. (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Proffered Condition Amendment is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. Proffered Development Conditions. Except as modified herein, the subject property is governed by the Proffered Development Conditions of March 15, 2004 RZ 2003-SU-040 and the applicable approved Proffered Development Conditions of November 1985 RZ-78-S-063.
2. Plans. Subject to the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved Conceptual/Final Development Plan are permitted, the Property shall be developed in substantial conformance with the plan entitled "GDP/SE" prepared by Burgess & Niple, Inc, consisting of eight (8) sheets dated June 2003 and revised through March 9, 2004 (the "Plans").

3. Permitted Uses and FAR. The principal uses on the site may include all permitted C-6 uses except for the following: adult video rental stores, funeral homes and churches, chapels, temples, synagogues and other such places of worship.

Any private school of general education or private school or special education may not exceed 7,500 square feet in size. The Applicant reserves the right to alter individual building footprints and vary individual building sizes, if in substantial conformance with the GDP/SE Plat, provided the buildings are located within the building envelopes shown on the GDP/SE Plat and do not exceed an overall FAR of 0.17 and a maximum height of twenty-six (26') feet. The maximum number of tenants in each building shall be limited to four (4). The maximum number of tenants for the site shall be limited to a maximum of twelve (12). The maximum square footage for all fast food restaurants and eating establishments shall not exceed a total of 16,000 square feet. The maximum number of fast food restaurants and eating establishments shall not exceed six (6) exclusive of fast food restaurants that do not serve or sell lunch, such as businesses whose primary purpose is to sell coffee and ice-cream shops.

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Title Owner:
Fairfax County Tax Map
44-3-((6))-21A2 pt.

WMH, LLC
a Virginia limited liability company

By: _____
Title: Managing Member

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